

Title 33 ENVIRONMENTAL QUALITY Part III.Air

Chapter 6. Regulations on Control of Emissions Through the Use of Emission Reduction Credits Banking

§603. Applicability

~~The following sources in EPA-designated ozone nonattainment areas must participate in the emissions banking program in order to utilize emission reductions for netting or as offsets. Sources in EPA-designated ozone attainment areas may participate in the emissions banking program. If a source in an attainment area participates in the emissions banking program, the source must submit the annual submission required by LAC 33:III.613.D. The following sources in ozone nonattainment parishes are eligible to participate in the emissions banking program: any stationary point source, any area source, and any registered mobile source registered in the designated ozone nonattainment area. The following sources in ozone attainment parishes are eligible to participate in the emissions banking program: any stationary point source and any area source.~~ The rule shall apply to the following pollutants: NO_x and VOC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:874 (August 1994), amended LR 24:2239 (December 1998), LR 25:

§605. Definitions

The terms used in this Chapter are defined in LAC 33:III.111 of these regulations except as defined within the separate subchapters or as follows:

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[See Prior Text]

Area Source—any small residential, governmental, institutional, commercial, or industrial fuel combustion operation; on-site solid waste disposal facilities; aircraft vessels, or other transportation facilities, or other miscellaneous sources identified through inventory techniques similar to those described in the Aerometric Emissions Reporting System (AEROS) Manual (see 40 CFR 51.100).

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[See Prior Text]

Registered Mobile Source—any vehicle registered and insured by the owner (without change of ownership) at an address within the nonattainment area continuously for at least 12 months prior to the date the vehicle is purchased.

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[See Prior Text]

Stationary Point Source—any building, structure, facility, or installation that emits or may emit any air pollutant subject to regulation under the Clean Air Act.

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[See Prior Text]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:874 (August 1994).

§607. Stationary Point Source Emission Reductions

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[See Prior Text in A-A.1]

- a. volatile organic compounds (VOCs) ~~in marginal or above ozone nonattainment areas;~~ and
- b. nitrogen oxides (NO_x) ~~in moderate or above ozone nonattainment areas.~~

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[See Prior Text in A.2-D]

E. Geographic Areas. ~~Each bank is limited to a designated nonattainment area and separate accounts shall be maintained for NO_x and VOCs.~~ Emissions are banked by geographic areas, usually individual parishes. Separate accounts shall be maintained (either by parish or by EPA-designated geographic area) for ozone nonattainment areas and ozone attainment areas. Each area, shall maintain separate accounts for NO_x and for VOCs.

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[See Prior Text in F-G.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:877 (August 1994), amended LR 25:

§613. ERC Bank Balance Sheet

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[See Prior Text in A-C]

D. Schedule. All applications for banking ERCs in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge where the emission reductions occurred prior to the date this banking rule was first adopted shall be submitted within six months after before the date of promulgation of the final rule August 20, 1994, must have been submitted prior to January 20, 1995. First-time applications for banking ERCs for attainment parishes may be submitted at any time. If a parish is redesignated as ozone nonattainment by the EPA, applications for banking ERCs for those parishes must be submitted within six months after the effective date of the EPA designation. All applications for banking ERCs where the emission reductions occurred after the date this banking rule was adopted for an area shall be submitted only ~~on~~ by March 1 following the year in which the reduction occurred. ~~The larger of the two balances~~

(i.e., the balance available for netting ~~or~~ and the balance available for offsets) from the ERC Bank Balance Sheets of Subsection A of this Section shall be submitted to the department ~~on~~ by March 1 of each year together with the certification specified in Subsection E of this Section. All emission reductions must meet the timing restrictions set forth in LAC 33:III.607.D in order to be eligible for banking as ERCs.

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[See Prior Text in E-F]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:877 (August 1994), amended LR 25:

§615. Schedule for Submitting Applications

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[See Prior Text in A]

B. ~~All bank balance sheets for banking emission reductions where the emission reductions occurred prior to adoption of the final rule shall be submitted within six months after adoption of the final rule. Thereafter, All applications for banking ERCs in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge where the emission reductions occurred before August 20, 1994, must have been submitted prior to January 20, 1995. First-time applications for banking ERCs for attainment parishes may be submitted at any time. If a parish is redesignated as ozone nonattainment by the EPA, application for banking ERCs for those parishes must be submitted within six months after the effective date of the EPA designation. Once a banking application has been filed, the bank balance and the applicant's certification should be submitted annually on March 1.~~

C. Owner(s) or operator(s) of major sources in nonattainment areas ~~in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge~~ with VOC or NO_x emission reductions not identified through the process described in Subsection B of this Section will be confiscated. A notification of confiscation will be sent by the department at such time that a permit modification or renewal is submitted using "unbanked" VOC or NO_x emission reductions described in Subsection B of this Section as offsets or for netting purposes.

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[See Prior Text in D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:878 (August 1994), amended LR 21:681 (July 1995), LR 25:

§621. Protection of Banked ERCs

A. ~~Only ERCs used as offsets are valid for 10 years from the date of certificate issuance by the department. ERCs can be used for netting only during the contemporaneous period as specified in LAC 33:III.504, but they can be used for internal or external offsets (with the~~

~~appropriate offset ratio) for their entire life~~ their actual emission reduction to the atmosphere.
ERCs can also be used for netting, but only during the contemporaneous period as specified in
LAC 33:III.504.

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[See Prior Text in B-B.3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:879 (August 1994), amended LR 25: